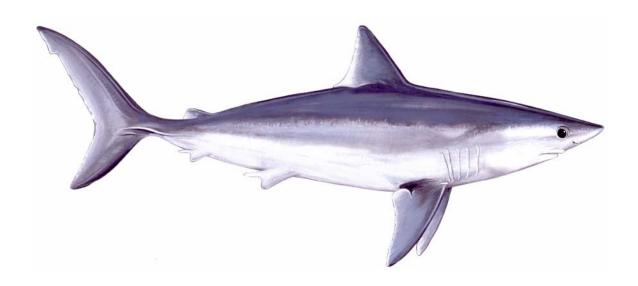


SPECIES AT RISK ACT

Legal listing consultation workbook



Porbeagle Shark (Lamna nasus)

Aussi disponible en français





Addition of species to the Species at Risk Act

Introductory Information

The Species at Risk Act

The Species At Risk Act (SARA) is part of the Government of Canada's commitment to protect its wild species. The list of species currently protected under SARA is found in Schedule 1 of the Act and is referred to as "the SARA" list".

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is responsible for evaluating what species are in danger or "at risk" of disappearing in Canada. They review (assess) new species every year and provide the government with the species they feel are at some level of risk.

The Minister of Environment (who is responsible for administering the Act) considers the list of species put forward by COSEWIC and recommends which of these should be added to the SARA list. Once added to the list, SARA gives the government very specific directions on how to protect the species and promote its recovery. However, the Minister will not decide which species to recommend without consulting the public and stakeholders. This workbook is part of that consultation.

Who is COSEWIC?

COSEWIC is an independent group of scientists from various communities including universities, government and Aboriginal groups.

Requests for new species to be evaluated by COSEWIC can be made by anyone.

When a request is made, COSEWIC requires that a Status Report be prepared that combines all the relevant scientific, community and Aboriginal traditional knowledge on that species. The Status Report must be reviewed and approved by a subcommittee of species experts before COSEWIC can use it to assess whether the species is at risk.

How "at risk" is this Species?

COSEWIC has several categories to assign a level of risk to a species. They include: Extinct, Extirpated, Endangered, Threatened and Special Concern. The highest level of risk COSEWIC assigns is "Extinct" meaning the species no longer exists. The next level of risk is "Extirpated" and means that the species is no longer found in the wild in Canada but still exists in other parts of the world. "Endangered" means that the species is facing imminent extirpation or extinction. "Threatened" means that the species is likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction. The lowest category of risk is "Special Concern" and is given to species that may become threatened or endangered due to a combination of biological characteristics and identified threats

How are New Species Added to the **SARA list?**

Every year, COSEWIC evaluates new species that may be at risk. Once evaluated, and assigned a category, these species are then eligible for addition to the SARA list. COSEWIC provides its assessments to the Minister of Environment who must respond within 90 days indicating a time frame for



action by the government. The Minister also presents the COSEWIC assessments to the Governor in Council (GIC) and must report back to the GIC within 9 months with a recommendation on whether or not to add these new species to the SARA list

Of these new species, the aquatic ones (those found in water) are the responsibility of the Department of Fisheries and Oceans while terrestrial species (those found on land) and birds are the responsibility of Environment Canada. Responsibility for species (both terrestrial and aquatic) that occur in national parks and other lands administered by the Parks Canada Agency is shared between the Parks Canada Agency and either Environment Canada or the Department of Fisheries and Oceans.

The government's commitment to conserving Canadian species includes public awareness and participation. Therefore, within the coming months, the Department of Fisheries and Oceans will be consulting the public on specific aquatic species to help them develop a recommendation to the Minister of Environment and the GIC.

What does Consultation Mean?

The recommendation to the GIC must be one of the following:

- a) that the COSEWIC assessment be accepted and the species be added to the SARA list:
- b) that the species not be added to the SARA list: or
- c) that the species be referred back to COSEWIC for further information or consideration.

When COSEWIC assesses a species, it is based on the scientific data at hand. But when the Government of Canada considers this same species for addition to the SARA list, it regards the public's input to be an important part of their recommendation to the GIC. Details of consultations being carried out on both terrestrial and aquatic species can be found on a website called the SARA Public Registry which has been set up to contain all SARA related information. You can access this site at:

www.sararegistry.gc.ca

This survey is part of the Department of Fisheries and Oceans commitment to consult with the public on aquatic species being considered for addition to the SARA list. It provides the public with an opportunity to comment and express their views about how this addition might affect their lives and in particular, the costs and benefits to them of adding a particular species to the SARA list versus not adding it.

The results of these public consultations will be carefully considered and documented as part of the Government's regulatory process leading to the final recommendation to the GIC.

What Happens When a Species is Added to the SARA List?

The Act provides protection to all species on the SARA list. But the level of protection depends on the category of risk assigned to it by COSEWIC. In general there are 2 levels of protection: with prohibitions and without prohibitions.





With Prohibitions

For species listed as **Extirpated**, Endangered or Threatened, the Act contains rules or "prohibitions" which make it unlawful to kill, harm, harass, capture or take any of these individuals. It is also unlawful to buy, sell or trade them or destroy their homes or critical habitats. These prohibitions come into effect as soon as the species is added to the SARA list. In the case of aquatic species, the Minister of Fisheries and Oceans may authorize exceptions to these prohibitions as long as the survival or recovery of the species will not be in jeopardy. Permits for these exceptions may only be granted for the following circumstances:

- (1) research relating to the conservation of a species
- (2) activities that benefit a listed species or enhance its chances of survival
- (3) activities that incidentally affect a listed species.

At the same time as prohibitions come into effect, SARA specifies that a recovery strategy and action plan must be prepared. These documents are to provide details on what the Department will do to promote the recovery of the species. SARA provides specific instructions on what the strategy and action plan must include and specifies that these will be prepared in cooperation with aboriginal groups and others directly affected by the recovery strategy.

Opportunity for consultation on these recovery strategies will be provided through the SARA registry where they will be made available within strict timelines.

To summarize, if a species is added to the SARA list as Extirpated, Endangered or Threatened, prohibitions will apply and recovery strategies and action plans will be completed.

Without prohibitions

For species listed as "Special Concern", there are no prohibitions under SARA. However, existing protection from other acts and legislation remains in force. A SARA management plan will be prepared detailing conservation measures for the species and its habitat. This management plan will be completed in cooperation with aboriginal and other groups affected by the listing and will be available to the public for comment on the SARA public registry.

Therefore, for species added to the SARA list as Special Concern, a management plan will be completed but prohibitions will not apply.

What's this workbook about?

The species being consulted on in this workbook, "porbeagle shark", has been assessed by COSEWIC as "Endangered" and is therefore being considered for addition to the SARA list. This means that prohibitions will be in place if porbeagle shark is listed. This is an opportunity to express your views and opinions on having porbeagle shark added to the SARA list. Please complete the survey beginning on page 8 and return in person or by regular mail to the address below. In order to consider your comments, responses are required no later than April 22nd, 2005.

Any other comments you have on the potential addition of this species to the



SARA list, can also be mailed to the address below.

Species at Risk Coordination Office Bedford Institute of Oceanography P.O. Box 1006 1 Challenger Drive Dartmouth, NS B2Y 4A2

Alternatively, please e-mail your comments (with the species name in the subject line) to

XMARSARA@mar.dfo-mpo.gc.ca

or complete the electronic version of this survey at

www.sararegistry.gc.ca/public/default_e. cfm

Your comments will be reviewed and used to consider whether or not to place this species on the SARA list.

Species specific information

Porbeagle Shark

The porbeagle, *Lamna nasus*, is a large, strong swimming shark representing the only member of the genus *Lamna* known across the North Atlantic Ocean. They have a spindle shaped body which changes from dark bluish-grey above to white along the sides and belly. Although they have been recorded at lengths over 3 meters, specimens over 2 meters are uncommon.

Porbeagle sharks are found on both sides of the Atlantic, but tagging studies have concluded that the northwest population is separate from the northwest population. In the northwest Atlantic, porbeagle sharks are widely distributed from Greenland to Bermuda, with the highest numbers found between Newfoundland and the Gulf of Maine. They are a mid-water species commonly found on continental shelves but are known to inhabit inshore and offshore waters from the surface to at least 700 m in depth. Porbeagle sharks prefer water temperatures less than 18 °C and evidence from Canadian commercial fisheries suggests that they travel to maintain their preferred temperature range throughout the year.

Based on observations of mature individuals, mating is thought to occur from August to November on the Grand Banks, off southern Newfoundland and at the entrance to the Gulf of St.

Lawrence. Analyses of catch data indicate that adult males begin migrating to these spawning grounds in spring in advance of the females.

Porbeagle sharks exhibit rapid growth in their first year when, at a mean length of 85 cm, they start to be caught in the fishery. The growth rate begins to slow at maturity which for males is an age of 8 years at a length between 162 and 185 cm and for females is an age of 13 years at a length between 210 and 230 cm. Females bear an average of 4 young per year after a gestation period of 8 to 9 months.

The porbeagle is a voracious fish-eater. Diet studies have identified over 21 prey items including redfish, gaspereau, herring, cod, mackerel and squid. They are not known to feed on marine mammals.

COSEWIC Assessment COSEWIC provides the following rationale for



designating the porbeagle shark as endangered:

This wide-ranging oceanic shark is the only representative of its genus in the North Atlantic. The abundance has declined greatly since Canada entered the fishery in the 1990s after an earlier collapse and partial recovery. Fishery quotas have been greatly reduced, and the fishery has been closed in some areas where mature sharks occur. The landings now are comprised mostly of juveniles. Its life history characteristics, including late maturity and low fecundity, render this species particularly vulnerable to overexploitation.

Threats to Porbeagle Shark

Although porbeagle sharks have no identified predators other than humans. the superior quality of their meat makes them highly sought after. But their low number of offspring and late maturity make them extremely sensitive to overfishing, so when commercial fishing for porbeagle sharks began in the early 1960's, the population crashed only 6 years later. It had only recovered to 30 % of its original abundance when fishing pressure increased in the 1990's plunging the population once again into a decline.

Current quota levels are substantially reduced from those of the mid 1990's and bycatch in other fisheries is limited. However, due to porbeagle shark's low population numbers, even this level of fishing pressure may still affect its recovery.

There is a concern that limited food availability, due to dwindling groundfish stocks, could be contributing to the decline of the porbeagle shark. However, this is not likely to be a significant factor because of the varied diet of this species.

The COSEWIC status report states that there is no evidence to support other reasons for the decline in population numbers of porbeagle sharks.

Protecting Porbeagle

DFO developed Fisheries Management Plans for porbeagle in 1994 and 1995 that prohibited finning, and allowed for limited exploratory licences along with restrictions on gears, areas and seasons. A collaborative porbeagle research program between DFO and the shark industry has resulted in the quota being reduced from 1000t in 1997 to 250t for 2002 to 2007 at which time a detailed stock assessment is planned.

Potential Impacts on Stakeholders

Once added to the List of Wildlife Species at Risk, porbeagle shark will be protected. If particular activities are assessed to be a threat to the survival and recovery of a listed species, management measures will be put in place to restrict those activities and ensure the protection of species at risk.

These measures may lead to a variety of impacts on stakeholders, including additional costs. The following list is not exhaustive; please use this consultation as an opportunity to list omissions.

Aboriginal Groups or People

Prohibitions could affect aboriginal people directly fishing for porbeagle



shark if the conservation of the species is at risk. Some bycatch may be allowed in fisheries taking porbeagle incidentally if measures are taken to reduce the impacts on porbeagle and the conservation of the species is not compromised.

Fishing Industry

It is important to fully determine the extent of potential threats to porbeagle shark by any fishing activities. Once this species is listed, prohibitions will apply to fishing activities identified to be a threat to the survival and recovery of porbeagle shark. A directed fishery would not likely continue. Some level of bycatch may be allowed for fishing activities that take porbeagle shark incidentally, but only if measures are taken to minimize the impact of the activity on this shark and the bycatch level will not cause a further decline in the status of the species.

Research Activity

Those wishing to carry out research on porbeagle sharks or in areas of their habitat may be required to comply with strict guidelines. This may limit the types and/or durations of research permitted on porbeagle shark and may lengthen the preparation time required for planning research projects.

Other Activities

Shipping, Oil and Gas exploration and other activities may be impacted by the listing of porbeagle shark. No specific

threats from these or other activities have been identified. However, if porbeagle shark is listed as suggested by COSEWIC, prohibitions will apply to ALL activities affecting this species. Proposed oil and gas activities that fall under the Canadian Environmental Assessment Act (CEAA) will need to address the impacts on SARA listed species in accordance with this legislation.

References

COSEWIC 2004. COSEWIC assessment and status report on the porbeagle shark Lamna nasus in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. Viii + 43 pp. [http://www.sararegistry.gc.ca/status/sho wDocument e.cfm?id=465]



Consultation Workbook Survey – Porbeagle Shark

The government's decision on whether or not to list a species under the Species at Risk Act (SARA) will be based on a full description and understanding of the costs and benefits of the impacts of protection and recovery on individuals, organizations, Aboriginal groups, industries, and Canadian society in general.

This survey form can be used to provide your opinions about listing porbeagle shark under SARA. Comments are welcome from individuals of all backgrounds, whether you are engaged in activities that may be affected by porbeagle shark conservation efforts or are a citizen with an interest in porbeagle shark.

You should read the consultation workbook before completing these questions.

About the Consultation Workbook Survey

The consultation workbook survey asks you to answer a series of questions that require reflection about your views relating to the conservation and recovery of porbeagle shark. There are a variety of question formats in this survey. There are also numerous opportunities for personal responses to further explain your views. If you would like to keep the introductory sections of this workbook, please feel free to detach this section and return only the survey.

Please return your workbook by April 22, 2005 to:

Species at Risk Coordination Office Bedford Institute of Oceanography P.O. Box 1006 1 Challenger Drive Dartmouth, NS B2Y 4A2

To complete an electronic version of this survey, visit the website: http://www.sararegistry.gc.ca/public/default_e.cfm

Alternatively, you may email comments to XMARSARA@mar.dfo-mpo.gc.ca.

The information that you provide is important! We very much appreciate the time and effort you take to complete this survey!



Your Opinions about Conservation Priorities for Aquatic Species at Risk in Atlantic Canada

Please choose an option that reflects your rating of what level of priority should be placed on conservation efforts for this species.

	Conservation Priority					
	Very Low	Somewhat Low	Moderate	Somewhat High	Very High	I am not Familiar with this Species so Cannot Say
Atlantic Salmon [Inner Bay of Fundy] (current SARA status: endangered)						
Atlantic Whitefish (current SARA status: endangered)						
Atlantic Wolfish (current SARA status: special concern)						
Blue Whale (current SARA status: endangered)						
Cusk (proposed SARA status: threatened)						
Lake Utopia Dwarf Smelt (current SARA status: threatened)						
Leatherback Turtle (current SARA status: endangered)						
North Atlantic Right Whale (current SARA status: endangered)						
Northern Bottlenose Whale (proposed SARA status: endangered)						
Porbeagle Shark (proposed SARA status: endangered)						
Yellow Lampmussel (proposed SARA status: special concern)						



Your Opinions about Threats to Porbeagle Shark

Please indicate your opinion about how significant a threat this factor is to the porbeagle shark population in Canadian waters.

	Very Low	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On
Directed fishing by Canadian Fishers using pelagic longlines						
Bycatch from fishing other large pelagic species (e.g. tuna/swordfish)						
Directed porbeagle fishing by American fishers in U.S.A. waters						
Bycatch from fishing activities by American fishers in U.S.A. waters						
Reduced food availability						
Do you have any comments about oth porbeagle shark survival and recovery					ay threate	en



Your Opinions about Possible Interventions to Help Porbeagle Shark Conservation and Recovery

For each factor, please indicate what level of impact you think this measure will have on porbeagle shark recovery.

	Very Low	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On
Discontinue the directed fishery for porbeagle shark.						
Conduct scientific research to better understand porbeagle behaviour and distribution.						
Close other fisheries when a specified amount of porbeagle is landed as bycatch.						
Increase awareness within the fishing industry about porbeagle conservation.						
Modify fishing gear so that less porbeagle are landed.						
Close areas with high concentrations of porbeagle to fishing.						
Do you have any other comments about how conservation and recovery? If so, please use			ons migh	t help por	beagle	



Your Opinion about the Potential Direct or Indirect Costs of Porbeagle Shark Conservation and Recovery

Please choose an option that reflects your rating of the likely economic impacts (direct and indirect) of porbeagle conservation and recovery to this industry or group.

	Negligible	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On
Costs to directed shark fishers						
Costs to other pelagic fishers						
Costs to scientific researchers						
Costs to my personal household						
Do you have any other comments all costs on other people or industry sec costs? Costs might be direct (e.g., in indirect (e.g., lost opportunities for obelow.	ctors, or a acreasing	bout what the cost or	t your sugg f doing bu	gestions ar siness) or	e to mining they migh	nize nt be



Your Opinion about the Potential Benefits of Porbeagle Shark Conservation and Recovery to Canadian Society

Please choose an option that reflects your rating of the likely benefits (economic or social) of porbeagle shark conservation and recovery to this industry or segment of society.

	Negligible	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On
Benefits to maritime coastal communities						
Benefits to Canadian society as a whole						
Benefits to Aboriginal groups						
Benefits to the fishing industry						
Benefits to the scientific community						
Do you have any other comments a and how important this benefit mig						cion



Your Opinion about Other Potential Benefits of Porbeagle Shark Conservation and Recovery

Please choose an option that reflects your level of agreement or disagreement with the following statements.

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree	I Have No Opinion On This Imnaci
I think that porbeagle sharks are valuable because they play an important role in maintaining healthy marine ecosystems.						
I think that porbeagle sharks will be valuable to future generations.						
I think that many people in Canada value porbeagle sharks even though they may never personally see one.						



Comments about the Proposed Listing Status of Porbeagle Shark

Have you read the COSE	WIC status report for porbeagle shark?	
Yes		
No		
	hat reflects your level of support for the Government dangered species under the <i>Species at Risk Act</i> .	of Canada
I Strongly Disagree with	listing porbeagle shark as a endangered species	
I Somewhat Disagree wi	ith listing porbeagle shark as a endangered species	
I Neither Agree nor Disa species	agree with listing porbeagle shark as a endangered	
I Somewhat Agree with	listing porbeagle shark as a endangered species	
I Strongly Agree with lis	sting porbeagle shark as a endangered species	

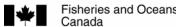


tell us why?	with fishing poloeagie sh	ark as an endangered spe	ecies, could you please
If you agree with us why?	h listing porbeagle shark	as an endangered specie	es, could you please tell
l e			



the recovery	y of this species	s? Please give	examples of pa	ation or communities	nity, participate in s if you can.
	e any other con so, please use th				ould like to share





Background Information about You

What is Your Age Categor	y?	
< 20 Years		
20-29 Years		
30-39 Years		
40-49 Years		
50-59 Years		
60-69 Years		
> 70 Years		
What is Your Gender?		
Female		
Male		
Where do you live?		
Nova Scotia		
New Brunswick		
Prince Edward Island		
Newfoundland and Labradon		
Quebec		
Ontario		
Western Canada or Territorio	es	
Outside Canada but I am a C	Canadian Citizen or Permanent Resident	

Outside Canada - I am not a Canadian Citizen or Permanent Resident



In which sector are you employed?

Retired	
Full-Time Homemaker	
Student	
Commercial Fishing/Processing	
Farming	
Forestry	
Oil and Gas	
Professional Services	
Private Sector – Other	
Academic	
Government	
Non-Governmental Organization	
I am Between Jobs	
I am Employed in another Field	
If you work in the commercial fishing	

types of commercial fishing activities have you engaged in over the past 5 years? Please check all the applicable boxes.

Work in a Processing Plant	
Fish for Groundfish on a Fixed Gear Vessel (<45')	
Fish for Groundfish on a Fixed Gear Vessel (>45')	
Fish for Groundfish on a Mobile Gear Vessel	
Fish for Lobster	
Fish for Scallops	
Fish for Snow Crab	
Fish for Large Pelagics on a Longline Vessel	
Work in the Aquaculture Industry	
Fish for Other Species or Using Other Methods	
Industry Association Representative or Consultant	

You've now finished the survey – thank you very much for your help

